

ESTTA Tracking number: **ESTTA419367**

Filing date: **07/12/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Geoffrey, LLC
Granted to Date of previous extension	07/13/2011
Address	One Geoffrey Way Wayne, NJ 07470 UNITED STATES
Party who filed Extension of time to oppose	Elizabeth Goldberg
Relationship to party who filed Extension of time to oppose	Elizabeth Goldberg of Bryan Cave LLP was acting as outside counsel for Geoffrey, LLC which is the opposer in this proceeding.

Attorney information	Elizabeth Goldberg Bryan Cave LLP 1290 Avenue of the Americas New York, NY 10104 UNITED STATES ejgoldberg@bryancave.com
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Applicant Information

Application No	85166095	Publication date	03/15/2011
Opposition Filing Date	07/12/2011	Opposition Period Ends	07/13/2011
Applicant	Lax, Sam 15415 Lamarsh Street Mission Hills, CA 91345 UNITED STATES		


Goods/Services Affected by Opposition


Class 040. First Use: 1976/06/30 First Use In Commerce: 1976/06/30
All goods and services in the class are opposed, namely: Custom imprinting of mugs, cups and drinking steins; Manufacturing services for others in the field of mugs, cups and drinking steins

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Likely to cause confusion, mistake or deceive under Trademark Act 43(a), 15 U.S.C. 1125(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	902125	Application Date	03/19/1969
Registration Date	11/10/1970	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U022 (International Class 028). First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 GENERAL LINE OF CHILDREN'S TOYS AND TOY NOVELTIES		

U.S. Registration No.	2282394	Application Date	08/08/1996
Registration Date	10/05/1999	Foreign Priority Date	NONE
Word Mark	"R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 retail department store services		


U.S. Registration No.	2442370	Application Date	12/20/1999
Registration Date	04/10/2001	Foreign Priority Date	NONE
Word Mark	R US		

Design Mark	“R” US
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1999/10/00 First Use In Commerce: 1999/10/00 Gift cards

U.S. Registration No.	1215353	Application Date	12/17/1980
Registration Date	11/02/1982	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark	TOYS "R" US		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 Retail Department Store Services		

U.S. Registration No.	2364201	Application Date	03/18/1999
Registration Date	07/04/2000	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark	TOYS “R” US		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 Retail department store services		

U.S. Registration	2362269	Application Date	08/26/1999
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No.			
Registration Date	06/27/2000	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1999/07/00 First Use In Commerce: 1999/07/00 Retail department store services		

U.S. Registration No.	2063369	Application Date	06/27/1996
Registration Date	05/20/1997	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1995/09/00 First Use In Commerce: 1995/09/00 credit card services		

U.S. Registration No.	2046673	Application Date	11/13/1995
Registration Date	03/18/1997	Foreign Priority Date	NONE
Word Mark	BABIES "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1996/04/30 First Use In Commerce: 1996/04/30 retail department store services		

U.S. Registration No.	2494425	Application Date	11/09/2000
Registration Date	10/02/2001	Foreign Priority Date	NONE
Word Mark	BABIES "R" US		
Design Mark	<p style="text-align: center;">BABIES “R” US</p>		

Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1996/05/03 First Use In Commerce: 1996/05/03 Gift registry services

U.S. Registration No.	3724926	Application Date	04/15/2009
Registration Date	12/15/2009	Foreign Priority Date	NONE

Word Mark	BABIESRUS
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Design Mark	
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Description of Mark	The mark consists of the word "BABIESRUS" with a backwards letter "R" with a star in the center.
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Goods/Services	<p>Class 035. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30</p> <p>Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services</p>
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U.S. Registration No.	3895642	Application Date	06/18/2010
Registration Date	12/21/2010	Foreign Priority Date	NONE
Word Mark	BABIES "R" US		


Design Mark	BABIES "R" US
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2010/06/00 First Use In Commerce: 2010/06/00 Clothing for infants and children, namely, baby bibs not of paper, body suits, bonnets, booties, bottoms, caps, cardigans, coats, coordinating sets comprising tops and bottoms, coveralls, creepers, dresses, hats, jackets, jeans, jogging suits, jumpers, jumpsuits, layette sets comprising shortalls and tops, layette sets comprising tops and pants, layette sets comprising gowns and caps, layette sets comprising overalls and tops, layette sets comprising cardigans and pants, layette sets comprising creepers and pants, layette sets comprising cardigans, tops and pants, layettes, mittens, overall sets comprising overalls and tops, overalls, pants, rain coats, rain jackets, rainwear, rompers, sandals, shirts, shoes, soft shoes, short sets, shortall sets comprising shortalls and tops, shortalls, shorts, skirts, skorts, sleepwear, snow suits, socks, sweat shirts, sweat pants, sweaters, swimsuits, swimwear sets comprising swimsuits and coverups, swimwear sets comprising swim trunks and coverups, tee-shirts, tights, tops, and wind resistant jackets

U.S. Registration No.	3859459	Application Date	11/30/2009
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	BABIESRUS		
Design Mark			
Description of Mark	The mark consists of the word "BABIESRUS" in purple lettering with a backwards letter "R" with a white star in the center.		
Goods/Services	Class 035. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates,		

	in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, and utensils; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers. retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services
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U.S. Registration No.	3849863	Application Date	02/09/2010
Registration Date	09/21/2010	Foreign Priority Date	NONE
Word Mark	BABIESRUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2010/02/03 First Use In Commerce: 2010/02/03 Laundry detergent, baby wipes Class 005. First use: First Use: 2010/02/03 First Use In Commerce: 2010/02/03 Infant formula and toddler formula Class 016. First use: First Use: 2010/02/03 First Use In Commerce: 2010/02/03 Disposable diapers Class 032. First use: First Use: 2010/02/03 First Use In Commerce: 2010/02/03 Bottled water		

U.S. Registration No.	3065294	Application Date	08/25/2004
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Registration Date	03/07/2006	Foreign Priority Date	NONE
Word Mark	BIRTHDAYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2004/08/18 First Use In Commerce: 2004/08/18 Birthday party planning		

U.S. Registration No.	2981142	Application Date	06/09/2004
Registration Date	08/02/2005	Foreign Priority Date	NONE
Word Mark	SPORTS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/09/16 First Use In Commerce: 2003/09/16 ON-LINE RETAIL STORE SERVICES FEATURING SPORTING GOODS, INFLATABLE POOLS, GAMES, TELESCOPES, APPAREL, WATCHES AND ACCESSORIES THEREFORE AND RETAIL DEPARTMENT STORE SERVICES		

U.S. Registration No.	2019153	Application Date	11/22/1995
Registration Date	11/26/1996	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		


Goods/Services	Class 042. First use: First Use: 1995/08/14 First Use In Commerce: 1995/08/14 on line retail store services featuring computer related products		
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U.S. Registration No.	2797686	Application Date	12/17/2002
Registration Date	12/23/2003	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1992/00/00 First Use In Commerce: 1992/00/00 Charitable fund raising and charitable grantmaking services		

U.S. Registration No.	3003574	Application Date	07/09/2003
Registration Date	10/04/2005	Foreign Priority Date	NONE
Word Mark	TOYS "R" US TOY BOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/08/09 First Use In Commerce: 2001/08/09 Retail store services in a section of a food store featuring a variety of consumer goods, namely, toys, games, sporting goods, arts and crafts goods, costumes, baskets, kites, musical toys, inflatable pools and bicycles		

U.S. Registration No.	3942695	Application Date	10/09/2009
Registration Date	04/12/2011	Foreign Priority Date	NONE
Word Mark	TOYSRUS HOLIDAY EXPRESS		
Design Mark	 <p>The logo features the word "ToysRUs" in a large, bold, black, rounded font. The letter "R" is stylized with a white five-pointed star inside its loop. Below "ToysRUs", the words "HOLIDAY EXPRESS" are written in a smaller, bold, black, sans-serif font.</p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2009/07/31 First Use In Commerce: 2009/07/31 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for		

	recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, utensils; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services
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U.S. Registration No.	2691300	Application Date	08/10/1999
Registration Date	02/25/2003	Foreign Priority Date	NONE
Word Mark	BABIESRUS.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2000/06/27 First Use In Commerce: 2000/06/27 on-line retail store and retail store services featuring products ranging from books, cassettes, videos, tape recorders, monitors, humidifiers, vaporizers, laundry detergent, food, utensils and accessories, diapers, medicine, skin and hair care products, bedding, gates, safety night lights, rear view mirror attachments, car seats, strollers, furniture, clothing and toys, and an on-line gift registry and information resources		


U.S. Registration No.	2813374	Application Date	07/27/2000
Registration Date	02/10/2004	Foreign Priority Date	NONE

Word Mark	SPORTSRUS.COM
Design Mark	SPORTSRUS.COM
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2003/09/16 First Use In Commerce: 2003/09/16 On-line retailing in the field of sporting goods

U.S. Registration No.	2370396	Application Date	02/11/1999
Registration Date	07/25/2000	Foreign Priority Date	NONE
Word Mark	TOYSRUS.COM		
Design Mark	TOYSRUS.COM		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1996/12/14 First Use In Commerce: 1996/12/14 ON-LINE RETAIL DEPARTMENT STORE SERVICES		

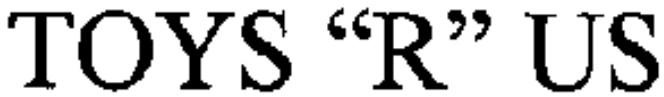
U.S. Registration No.	3247578	Application Date	08/03/2006
Registration Date	05/29/2007	Foreign Priority Date	NONE
Word Mark	BECAUSE WHEN IT'S TIME TO GIVE BABY THE WORLD . . . IT'S TIME FOR BABIES "R" US		
Design Mark	BECAUSE WHEN IT'S TIME TO GIVE BABY THE WORLD IT'S TIME FOR BABIES "R" US		


Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2006/07/15 First Use In Commerce: 2006/07/15 retail store and on-line retail store services featuring baby and children products, namely, furniture, clothing, toys, baby safety items, books, cassettes, videos, CDs, DVDs, computer and video games, home and car electronics, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, utensils and accessories, diapers, medicine, skin and hair care products, bedding, gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and stroller; gift registry services

U.S. Registration No.	2970366	Application Date	04/05/2004
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	GEOFFREY'S TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/08/00 First Use In Commerce: 2003/08/00 RETAIL DEPARTMENT STORE SERVICES		

U.S. Registration No.	3621074	Application Date	07/28/2006
Registration Date	05/12/2009	Foreign Priority Date	NONE
Word Mark	"R" IS FOR REWARDS!		
Design Mark			
Description of Mark	The mark consists of a backwards letter "R" in quotes with the words "IS FOR REWARDS!".		
Goods/Services	Class 036. First use: First Use: 2006/10/31 First Use In Commerce: 2006/10/31 financial services, namely, providing credit card services, charge card services,		


	and issuing stored value prepaid and discount cards
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U.S. Registration No.	2758567	Application Date	09/27/2002
Registration Date	09/02/2003	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1963/00/00 First Use In Commerce: 1963/00/00 Truck hauling		


U.S. Registration No.	2469154	Application Date	12/20/1999
Registration Date	07/17/2001	Foreign Priority Date	NONE
Word Mark	R		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 Retail department store services		

U.S. Registration No.	3680872	Application Date	04/29/2008
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	R RECYCLE RENEW REUSE RE-THINK		

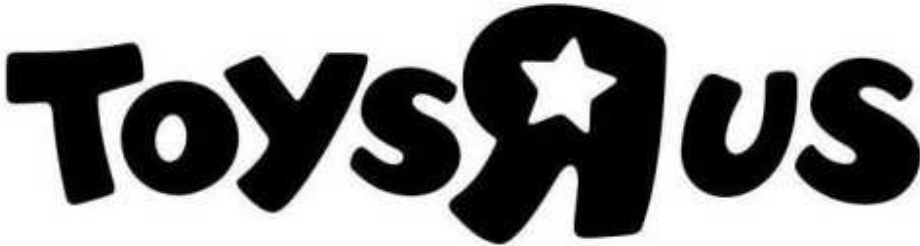
Design Mark	
Description of Mark	The mark consists of a reversed letter "R" in green with a tree leaf in light green, within a beige circle, within a brown circle containing the words "RECYCLE, RENEW, REUSE" and "RE-THINK" in beige letters within another beige circle all contained within a green border.
Goods/Services	Class 028. First use: First Use: 2008/04/30 First Use In Commerce: 2008/04/30 toys, games and playthings, namely, natural wood toys, namely, wood alphabet blocks, wood toy cars, wood toy trains and wood toy fire trucks; natural plush toys and toy animals; organic cotton dolls


U.S. Registration No.	3655643	Application Date	04/29/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE
Word Mark	R		
Design Mark			
Description of Mark	The mark consists of a reversed letter "R" in green with a tree leaf in light green.		
Goods/Services	<p>Class 016. First use: First Use: 2008/04/30 First Use In Commerce: 2008/04/30 Gift cards and recyclable paper or plastic shopping bags</p> <p>Class 035. First use: First Use: 2008/04/30 First Use In Commerce: 2008/04/30 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, furniture, clothing, outdoor toys, play sets, sandboxes, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toy race tracks, toy action figures and play sets, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store</p>		


	services all featuring diapers, medicine, skin and hair care products, bedding and room decor, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, playpens, portable playpens, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services
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U.S. Registration No.	3647541	Application Date	01/27/2009
Registration Date	06/30/2009	Foreign Priority Date	NONE
Word Mark	R US		
Design Mark			
Description of Mark	The mark consists of a backwards letter "R" with a star in the center and the word "US".		
Goods/Services	Class 035. First use: First Use: 2008/02/04 First Use In Commerce: 2008/02/04 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, furniture, clothing, outdoor toys, play sets, sandboxes, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toy race tracks, toy action figures and play sets, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, playpens, portable playpens, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services		

U.S. Registration No.	3724925	Application Date	04/15/2009
Registration Date	12/15/2009	Foreign Priority	NONE

		Date	
Word Mark	TOYSRUS		
Design Mark			
Description of Mark	The mark consists of the words "TOYSRUS" with a backwards letter "R" with a star design in the center.		
Goods/Services	<p>Class 035. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30</p> <p>Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services</p>		
U.S. Registration No.	3815634	Application Date	06/30/2009
Registration Date	07/06/2010	Foreign Priority Date	NONE
Word Mark	TOYSRUS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/11/30 First Use In Commerce: 2009/11/30 Batteries


U.S. Registration No.	3859458	Application Date	11/30/2009
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	TOYS R US		
Design Mark			
Description of Mark	The mark consists of the words "TOYSRUS" with a backwards letter "R" in blue with a white star design in the center with the letter "T" in red, the letter "O" in orange, the letter "Y" in green" the letter "S" in red, the letter "U" in green and the letter "S" in red.		
Goods/Services	Class 035. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby		


	food and formula, food, beverages, and utensils; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers. retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services
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U.S. Registration No.	2467339	Application Date	12/20/1999
Registration Date	07/10/2001	Foreign Priority Date	NONE
Word Mark	STICKERS "R" US		
Design Mark	<p style="text-align: center;">STICKERS “R” US</p>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1997/01/06 First Use In Commerce: 1997/01/06 Vending machines featuring stickers and tattoos		

U.S. Registration No.	2587410	Application Date	07/20/2000
Registration Date	07/02/2002	Foreign Priority Date	NONE
Word Mark	1-888-BABYRUS		
Design Mark	<p style="text-align: center;">1-888-BABYRUS</p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/07/00 First Use In Commerce: 1997/07/00 Providing customer services and merchandising information for the goods of others by means of telephone information		


U.S. Registration No.	2715408	Application Date	03/18/2002
Registration Date	05/13/2003	Foreign Priority Date	NONE
Word Mark	"R"		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2001/10/10 First Use In Commerce: 2001/10/10 Retail department store services and on-line retail department store services

U.S. Registration No.	3647537	Application Date	01/23/2009
Registration Date	06/30/2009	Foreign Priority Date	NONE
Word Mark	R		
Design Mark			
Description of Mark	The mark consists of a backwards letter "R" with a star design in the center.		
Goods/Services	Class 035. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, furniture, clothing, outdoor toys, play sets, sandboxes, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toy race tracks, toy action figures and play sets, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, playpens, portable playpens, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-		

	line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services
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U.S. Registration No.	3739444	Application Date	06/12/2009
Registration Date	01/19/2010	Foreign Priority Date	NONE
Word Mark	R MARKET		
Design Mark			
Description of Mark	The mark consists of a backwards letter "R" with a star in the center, the word "MARKET" and stars floating above a shopping cart.		
Goods/Services	Class 035. First use: First Use: 2009/03/24 First Use In Commerce: 2009/03/24 retail store and on-line retail store services featuring food, snacks, pretzels, chips, cookies, crackers, fruit snacks, breakfast cereals, nutrition bars, breakfast foods, drinks, beverages, non-perishable milk, bottled water, squeezable fruit products, apple sauce, health food, party supplies, disposable paper products, napkins, paper towels and toilet paper, cleaning supplies, laundry detergent, fabric softener, hand wipes, soap, baby products, baby food utensils, baby food and infant formula, diapers, baby wipes, baby changing products, health and beauty aids, skin and hair care products, personal care products, first aid and wellness products		

U.S. Registration No.	3895640	Application Date	05/28/2010
Registration Date	12/21/2010	Foreign Priority Date	NONE
Word Mark	SCOOPS R US		
Design Mark			
Description of Mark	The mark consists of the following: the term "SCOOPS" in red and orange shades with an ice cream cone in shades of brown, white and blue with a red cherry protruding from the first letter "O", followed by a reverse letter "R" in red containing a white star design, followed by "US" in shades of orange.		
Goods/Services	Class 030. First use: First Use: 2010/07/21 First Use In Commerce: 2010/07/21 confectionery products, namely, ice-cream, cookies, and pastries; coffee Class 032. First use: First Use: 2010/07/21 First Use In Commerce: 2010/07/21 beverages, namely, soda pop Class 035. First use: First Use: 2010/07/21 First Use In Commerce: 2010/07/21 retail store services featuring confectionery products, namely, ice-cream,		

	cookies, and pastries, and beverages, namely, coffee and soda
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Elizabetg Goldberg/
Name	Elizabeth Goldberg
Date	07/12/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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GEOFFREY, LLC,

Opposer,

Opposition No.
Application Serial No. 85/166,095
Mark: MUGSRUS

v.

Sam Lax, d/b/a Sala Group,

Applicant.

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NOTICE OF OPPOSITION

Geoffrey, LLC, a Delaware limited liability corporation, having its principal place of business located at One Geoffrey Way, Wayne, NJ 07470 (the “Opposer”), believes that it will be damaged by registration of the mark MUGSRUS, shown in Application Serial No. 85/166,095, which was filed on November 1, 2010 by Sam Lax, d/b/a Sala Group (the “Applicant”), and hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946 (15 U.S.C. §1063).

As grounds of opposition, it is alleged that:

1. The Applicant seeks to register the mark MUGSRUS for “custom imprinting of mugs, cups and drinking steins; manufacturing services for others in the field of mugs, cups and drinking steins” in International Class 40.
2. The Applicant filed the application for the mark MUGSRUS on November 1, 2010 pursuant to Section 1(a) of the Lanham Act, 15 U.S.C. 1051.

3. The U.S. Patent and Trademark Office (“USPTO”) assigned U.S. Trademark Application Serial No. 85/166,095 to the application for the mark MUGSRUS on November 1, 2010.

4. Since at least as early as 1960, Opposer, through its predecessors and related companies, has been and continues to be engaged in the marketing and sale of various baby and children’s products, including but not limited to, toys, games, novelties, baby products, furniture, clothing, light fixtures, audio and visual products, sporting goods, school supplies, art supplies, science and other educational equipment, safety products, electronics, digital media, musical instruments, food, beverages, eating and drinking utensils and apparatus, bedding and linens, home décor, medicine, skin and hair care products, health and beauty aids, first aid products, diapers, laundry products, party supplies, costumes, paper products, gift cards and various retail, credit card, gift registry and party planning services under the marks TOYS R US, BABIES R US, R US, “R” and “Я”, both with and without quotation marks, alone and with other terms.

5. Opposer is the world’s biggest toy store and baby and children’s products retailer, leading the industry with billions of dollars in sales annually. Opposer owns and over 1600 stores using its R Us family of brands, and currently sells merchandise in more than 850 stores nationwide, including Toys “R” Us and Babies “R” Us stores, and more than 500 international stores and 200 licensed stores in 33 countries and jurisdictions.

6. Opposer also provides shoppers with a broad online selection of products through its branded e-commerce websites; hosts interactive pages on a variety of social media websites; hosts an online weblog (or “blog”) promoting deals and discounts at its stores and web properties; and sponsors branded mobile applications to allow consumers to shop and access information about toys and other products sold by Opponent virtually anywhere

7. As a result of Opposer's long and extensive promotion, marketing and use of various TOYS R US, R US, "R" and "Я" marks, both with and without quotation marks, including the advertising and promotion of third party products sold by Opposer, Opposer has established and owns a family of R US marks (hereinafter, the "R US Family of Marks").

8. Opposer's R US Family of Marks has been recognized by courts and other judicial and administrative bodies as a famous family of trademarks known to consumers. J. Thomas McCarthy, a leading scholar and expert on trademark law, recognizes the R US Family of Marks among a select group of famous trademark families in his well-known treatise on trademark law. See J. Thomas McCarthy, *McCarthy of Trademarks and Unfair Competition*, 4th Edition §23.61, pgs. 23-264.32-23.35.

9. Federal courts, arbitration panels and the TTAB have regularly held that the use of any other mark containing a prefix in connection with the R US mark violates TRU's rights in its R US Family of Marks. Most recently, for example, a Federal court permanently enjoined another company's use of SMOKES R US, recognizing TRU's R US Family of Marks as a "famous and inherently distinctive...global superbrand." In so doing, the court recognized TRU's "exclusive right to use the R US Family of Marks in commerce in the United States." *See Toys "R" Us, Inc., et al v. Smokes R Us of Pa Corp., et al*, Case No. 11-cv-00820 (M.D. Pa. June 2011).

10. The fame of Opposer's R US Family of Marks is also reflected in market rankings. In 2011, Interbrand named Toys "R" Us one of the most valuable U.S. retail brands. Deloitte also named Toys "R" Us as one of 2011's top "Global Powers of Retailing."

11. Opposer owns numerous trademark registrations for its R US Family of Marks in the United States and worldwide. Such registrations include the "R US" mark by itself, and many others.

12. Opposer is the owner of United States Service Mark Registration No. 2,282,394 for the mark "R" US for retail department store services. Said Federal Registration, dated October 5,

1999, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

13. Opposer is the owner of United States Trademark Registration No. 2,442,370 for the mark R US for gift cards. Said Federal Registration, dated April 10, 2001, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

14. Opposer is the owner of United States Trademark Registration No. 902,125 for the mark TOYS “R” US for a general line of children’s toys and toy novelties. Said Federal Registration, dated November 10, 1970, is valid and subsisting is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

15. Opposer is the owner of United States Service Mark Registration No. 1,215,353 for the mark TOYS “R” US for retail department store services. Said Federal Registration, dated November 2, 1982, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

16. Opposer is the owner of United States Service Mark Registration No. 2,364,201 for the mark TOYS “R” US for retail department store services. Said Federal Registration, dated July 4, 2000, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

17. Opposer is the owner of United States Service Mark Registration No. 2,362,269 for the mark TOYS “R” US with star design for retail department store services. Said Federal Registration, dated June 27, 2000, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

18. Opposer is the owner of United States Service Mark Registration No. 2,063,369 for the mark TOYS “R” US for credit card services. Said Federal Registration, dated May 20, 1997, is

valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

19. Opposer is the owner of United States Service Mark Registration No. 2,046,673 for the mark BABIES “R” US for retail department store services. Said Federal Registration, dated March 18, 1997, is valid and subsisting and is now incontestable in accordance with the Section 33(b) the Trademark Act, 15 U.S.C. § 1115(b).

20. Opposer is the owner of United States Service Mark Registration No. 2,494,425 for the mark BABIES “R” US for gift registry services. Said Federal Registration, dated October 2, 2001, is valid and subsisting, and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

21. Opposer is the owner of United States Service Mark Registration No. 3,724,926 for the mark BABIESRUS with star design for retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home

and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services. Said Federal Registration, dated December 15, 2009, is valid and subsisting.

22. Opposer is the owner of United States Trademark Registration No. 3,895,642 for the mark BABIES "R" US for clothing for infants and children, namely, baby bibs not of paper, body suits, bonnets, booties, bottoms, caps, cardigans, coats, coordinating sets comprising tops and bottoms, coveralls, creepers, dresses, hats, jackets, jeans, jogging suits, jumpers, jumpsuits, layette sets comprising shortalls and tops, layette sets comprising tops and pants, layette sets comprising gowns and caps, layette sets comprising overalls and tops, layette sets comprising cardigans and pants, layette sets comprising creepers and pants, layette sets comprising cardigans, tops and pants, layettes, mittens, overall sets comprising overalls and tops, overalls, pants, rain coats, rain jackets, rainwear, rompers, sandals, shirts, shoes, soft shoes, short sets, shortall sets comprising shortalls and tops, shortalls, shorts, skirts, skorts, sleepwear, snow suits, socks, sweat shirts, sweat pants, sweaters, swimsuits, swimwear sets comprising swimsuits and coverups, swimwear sets comprising swim

trunks and coverups, tee-shirts, tights, tops, and wind resistant jackets. Said Federal Registration, dated December 21, 2010, is valid and subsisting.

23. Opposer is the owner of United States Service Mark Registration No. 3,859,459 for the mark BABIESRUS with star design for retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, and utensils; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath

products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services. Said Federal Registration, dated October 12, 2010, is valid and subsisting.

24. Opposer is the owner of United States Trademark Registration No. 3,849,863 for the mark BABIESRUS for laundry detergent, baby wipes, infant and toddler formula, disposable diapers, and bottled water. Said Federal Registration, dated September 21, 2010, is valid and subsisting.

25. Opposer is the owner of United States Service Mark Registration No. 3,065,294 for the mark BIRTHDAYS “R” US for birthday party planning. Said Federal Registration, dated March 7, 2006, is valid and subsisting.

26. Opposer is the owner of United States Service Mark Registration No. 2,981,142 for the mark SPORTS “R” US for on-line retail store services featuring sporting goods, inflatable pools, games, telescopes, apparel, watches and accessories therefore and retail department store services. Said Federal Registration, dated August 2, 2005, is valid and subsisting.

27. Opposer is the owner of United States Service Mark Registration No. 2,019,153 for the mark TOYS “R” US for on-line retail store services featuring computer related products. Said Federal Registration, dated November 26, 1996, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

28. Opposer is the owner of United States Service Mark Registration No. 2,797,686 for the mark TOYS “R” US for charitable fund raising and charitable grantmaking services. Said Federal Registration, dated December 23, 2003, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

29. Opposer is the owner of United States Service Mark Registration No. 3,003,574 for the mark TOYS "R" US TOY BOX for retail store services in a section of a food store featuring a variety of consumer goods, namely, toys, games, sporting goods, arts and crafts goods, costumes, baskets, kites, musical toys, inflatable pools and bicycles. Said Federal Registration, dated October 4, 2005, is valid and subsisting.

30. Opposer is the owner of United States Service Mark Registration No. 3,942,695 for the mark TOYSRUS HOLIDAY EXPRESS with star design for retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, utensils; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and

strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services. Said Federal Registration, dated April 12, 2011, is valid and subsisting.

31. Opposer is the owner of United States Service Mark Registration No. 2,691,300 for the mark BABIESRUS.COM for on-line retail store and retail store services featuring products ranging from books, cassettes, videos, tape recorders, monitors, humidifiers, vaporizers, laundry detergent, food, utensils and accessories, diapers, medicine, skin and hair care products, bedding, gates, safety night lights, rear view mirror attachments, car seats, strollers, furniture, clothing and toys, and an on-line gift registry and information resources. Said Federal Registration, dated February 25, 2003, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

32. Opposer is the owner of United States Service Mark Registration No. 2,813,374 for the mark SPORTSRUS.COM for on-line retailing in the field of sporting goods. Said Federal Registration, dated February 10, 2004, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

33. Opposer is the owner of United States Service Mark Registration No. 2,370,396 for the mark TOYSRUS.COM for on-line retail department store services. Said Federal Registration, dated July 25, 2000, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

34. Opposer is the owner of United States Service Mark Registration No. 3,247,578 for the mark BECAUSE WHEN IT'S TIME TO GIVE BABY THE WORLD . . . IT'S TIME FOR BABIES "R" US for retail store and on-line retail store services featuring baby and children products, namely, furniture, clothing, toys, baby safety items, books, cassettes, videos, CDs, DVDs, computer and video games, home and car electronics, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, utensils and accessories, diapers, medicine, skin and hair care products, bedding, gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and stroller; gift registry services. Said Federal Registration, dated May 29, 2007, is valid and subsisting.

35. Opposer is the owner of United States Service Mark Registration No. 2,970,366 for the mark GEOFFREY'S TOYS "R" US for retail department store services. Said Federal Registration, dated July 19, 2005, is valid and subsisting.

36. Opposer is the owner of United States Service Mark Registration No. 2,758,567 for the mark TOYS "R" US for truck hauling. Said Federal Registration, dated September 2, 2003, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

37. Opposer is the owner of United States Service Mark Registration No. 2,715,408 for the mark "Я" & star design for retail department store services and on-line retail department store services. Said Federal Registration, dated May 13, 2003, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

38. Opposer is the owner of United States Service Mark Registration No. 2,469,154 for the mark "Я" for retail department store services. Said Federal Registration, dated July 17, 2001, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

39. Opposer is the owner of United States Trademark Registration No. 3,680,872 for the mark Я RECYCLE RENEW REUSE RE-THINK for toys, games and playthings, namely, natural wood toys, namely, wood alphabet blocks, wood toy cars, wood toy trains and wood toy fire trucks; natural plush toys and toy animals; organic cotton dolls. Said Federal Registration, dated September 8, 2009, is valid and subsisting.

40. Opposer is the owner of United States Service Mark Registration No. 3,647,537 for the mark Я and star design for retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, furniture, clothing, outdoor toys, play sets, sandboxes, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toy race tracks, toy action figures and play sets, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, playpens, portable playpens, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services. Said Federal Registration, dated June 30, 2009, is valid and subsisting.

41. Opposer is the owner of United States Trademark/Service Mark Registration No. 3,655,643 for the mark Я and leaf design for gift cards and recyclable paper or plastic shopping bags, and retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, furniture, clothing, outdoor toys, play sets, sandboxes, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toy race tracks, toy action figures and play sets, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, playpens, portable playpens, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services. Said Federal Registration, dated July 14, 2009, is valid and subsisting.

42. Opposer is the owner of United States Service Mark Registration No. 3,621,074 for the mark “Я” IS FOR REWARDS! for financial services, namely, providing credit card services, charge card services, and issuing stored value prepaid and discount cards. Said Federal Registration, dated May 12, 2009, is valid and subsisting.

43. Opposer is the owner of United States Service Mark Registration No. 3,739,444 for the mark Я Market and star design for retail store and on-line retail store services featuring food, snacks, pretzels, chips, cookies, crackers, fruit snacks, breakfast cereals, nutrition bars, breakfast foods, drinks, beverages, non-perishable milk, bottled water, squeezable fruit products, apple sauce, health food, party supplies, disposable paper products, napkins, paper towels and toilet paper, cleaning supplies, laundry detergent, fabric softener, hand wipes, soap, baby products, baby food utensils, baby food and infant formula, diapers, baby wipes, baby changing products, health and beauty aids, skin and hair care products, personal care products, first aid and wellness products. Said Federal Registration, dated January 19, 2010, is valid and subsisting.

44. Opposer is the owner of United States Service Mark Registration No. 3,647,541 for the mark Я US and star design for retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, furniture, clothing, outdoor toys, play sets, sandboxes, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toy race tracks, toy action figures and play sets, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, playpens, portable playpens, play yards and beds for children, bed linen,

comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services. Said Federal Registration, dated June 30, 2009, is valid and subsisting.

45. Opposer is the owner of United States Service Mark Registration No. 3,724,925 for the mark TOYSRUS with star design for retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized

vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services. Said Federal Registration, dated December 15, 2009, is valid and subsisting.

46. Opposer is the owner of United States Trademark Registration No. 3,815,634 for the mark TOYSRUS for batteries. Said Federal Registration, dated July 6, 2010 is valid and subsisting.

47. Opposer is the owner of United States Service Mark Registration No. 3,859,458 for the mark TOYS R US with star design for retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, and utensils; retail store and on-line retail store services all featuring

diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services. Said Federal Registration, dated October 12, 2010, is valid and subsisting.

48. Opposer is the owner of United States Trademark Registration No. 3,895,640 for the mark SCOOPS R US for confectionary products, namely, ice-cream, cookies and pastries, coffee; beverages, namely, soda pop, and retail store services featuring confectionary products, namely, ice-cream, cookies and pastries, and beverages, namely coffee and soda. Said Federal Registration, dated December 21, 2010, is valid and subsisting.

49. Opposer is the owner of numerous other United States Trademark and Service Mark Registrations, the dominant portion of which is the designation "R" US. Examples of these registrations are: Registration No. 2,467,339 for the mark STICKERS "R" US for vending machines featuring stickers and tattoos and Registration No. 2,587,410 for 1-888-BABYRUS for providing customer service and merchandising information over the telephone; both such registrations are valid and subsisting, and each is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

50. In addition to the aforesaid R US registered marks, Opposer owns the common law rights to a family of marks, the dominant portion of which are the designations "R," "Я" and "R"

US, with and without quotation marks. These marks include REWARDS “R” US, R EXCLUSIVE, SPECIAL MOMENTS R US and other R US marks that have been used in connection with the sale of products and the rendering of services, including advertising and promotion of third party products sold or distributed by Opposer.

51. Opposer owns over eight hundred (800) domain names incorporating R US, ARE US, or their equivalents, including <babiesrus.com>, <birthdaysrus.com> and <toysrus.com>. <Toysrus.com>, which was launched in 1998, has become one of the most visited sites for toys and juvenile products with a vast assortment of products offered for kids of all ages.

52. Opposer also uses TOYSRUS.COM and BABIESRUS.COM as marks and domain names in connection with the operation of web sites that provide on-line shopping and information services. These web sites are actively promoted to encourage potential Internet customers to visit the sites and take advantage of their products and information offerings.

53. The wide variety of products and services promoted, sold, or offered for sale under Opposer’s R US Family of Marks have been commercially promoted, sold, and rendered throughout the United States and internationally by Opposer with skill and care. Opposer has expended large sums of money to maintain the quality of the products and services through the careful selection and careful methods used in the commercial promotion and sale of its goods and services under Opposer’s R US Family of Marks. As a result, the sales of goods and services under Opposer’s R US Family of Marks have grown tremendously.

54. Opposer’s R US Family of Marks has been, and is continuously being, applied to numerous and various products and services. Opposer uses these marks on labeling and/or packaging for products, as well as in extensive nationwide advertising and promotional campaigns for Opposer’s products, services, and businesses.

55. By reason of the extensive advertising, promotion and sale of Opposer's family of R US products and services, and by virtue of the excellence of its products and services, Opposer's R US Family of Marks have acquired, and now enjoy, fame, distinctiveness, and substantial secondary meaning signifying Opposer's products and services. Opposer now owns valuable goodwill that is symbolized by Opposer's R US Family of Marks.

56. Opposer has used and is now using Opposer's R US Family of Marks in commerce on or in connection with the goods and services listed above. This use has been valid and continuous and has not been abandoned.

57. Opposer's R US Family of Marks, by virtue of Opposer's efforts in selling and distributing goods and services bearing such marks, and through Opposer's substantially exclusive and continuous use of such marks in commerce since 1960, has become distinctive of the goods and services listed above.

58. Applicant seeks to register the mark MUGSRUS in International Class 40 for "custom imprinting of mugs, cups and drinking steins; manufacturing services for others in the field of mugs, cups and drinking steins." There is no issue as to priority. Upon information and belief, Applicant has not made any use in interstate commerce or commerce with the United States of the mark MUGSRUS in connection with the services identified in U.S. Application Serial No. 85/166,095 prior to June 1976, which date is long after Opposer's date of first use in commerce of the mark TOYS R US and R US Family of Marks.

59. Applicant's mark MUGSRUS is confusingly similar in sound, appearance and/or meaning to Opposer's R US Family of Marks because the dominant portion of the mark incorporates Opposer's famous R US designation.

60. Opposer uses the R US designation in connection with various goods and services, including, without limitation, mugs, cups, and other drink-related items as well as clothing (including

t-shirts and hats). Opposer further offers custom printing services in connection with a variety of goods such as invitations, labels, clocks and other gift items.

61. Upon information and belief, Applicant intends to offer services in whole or in part within the same geographic region and to the same class of purchasers as Opposer. It is noted that Applicant's website indicates that in addition to the applied for goods and services, it also offers imprinting on other goods such as t-shirts and hats.

62. Opposer believes and alleges that when Applicant uses the mark MUGSRUS in connection with the services identified in Application Serial No. 85/166,095, consumers are likely to believe that the services originate with Opposer.

63. Applicant's use and registration of the mark MUGSRUS in connection with the services identified in Application Serial No. 85/166,095 will enable Applicant to trade upon and utilize the goodwill established by Opposer in its R US Family of Marks.

64. Opposer believes and alleges that Applicant's mark, when used on or in connection with the services identified in Application Serial No. 85/166,095, is likely to cause confusion or mistake or to deceive and will deceive and mislead the public and/or potential clients into believing that Applicant is licensed or controlled by Opposer or that Applicant is in some way related to or affiliated with Opposer.

65. If the Applicant is permitted to use and register the mark MUGSRUS for its services, as specified in the application herein opposed, confusion in trade resulting in damage and injury to the Opposer would be caused and would result by reason of the similarity between the Applicant's mark and the Opposer's mark. Persons familiar with Opposer's marks would be likely to purchase or make use of Applicant's services thinking such services are related to Opposer's goods and services. Any such confusion in trade inevitably would result in loss of sales and business opportunities under the mistaken belief that such goods and services are offered by or connected

with Opposer. Furthermore, the nature of the Applicant's services marketed and performed under the mark MUGSRUS as well as any defect, objection or fault found with Applicant's services marketed and performed under the mark MUGSRUS would necessarily reflect upon and seriously injure the reputation that the Opposer has established for its products and services merchandised, sold and distributed under its R US Family of Marks.

66. If the Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of the mark MUGSRUS. Such registration would be a source of damage and injury to the Opposer, as well as confusion in the relevant marketplace.

67. In view of the similarity in overall commercial impression of the respective marks, the related nature of the goods and services of the respective parties, and Opposer's priority as to use of the mark, Opposer alleges that Applicant's mark MUGSRUS so resembles Opposer's R US Family of Marks as to be likely to cause confusion, or mistake, or to deceive under Trademark Act Sections 2(d) and 43(a), 15 U.S.C. Sections 1052(d) and 1125(a), and will cause damage to Opposer and its goodwill represented by its prior-used marks.

68. In addition, Opposer's rights and fame in its R US Family of Marks, including those based on its extensive use, registrations and public recognition, were established long before Applicant filed the application for MUGSRUS. Thus, granting registration to Applicant would diminish and dilute the distinctive quality of Opposer's rights in its famous R US Family of Marks in violation of Trademark Act Section 43(c), 15 U.S.C. Section 1125(c), and could also, as a result of the nature of the goods and services to be marketed and/or offered in connection with the mark MUGSRUS and in the event of any mishaps involving, or poor quality of, the goods and services offered by Applicant, tarnish such distinctiveness.

WHEREFORE, the Opposer prays that the application Serial No. 85/166,095 be rejected, that the mark therein sought for the services therein specified in International Class 40 be denied and refused and that this opposition be sustained in favor of Opposer.

Opposer encloses the required filing fee of \$300 herewith.

Respectfully submitted,

BRYAN CAVE LLP
Attorneys for Opposer

A handwritten signature in black ink, appearing to read 'Elizabeth Goldberg', written over a horizontal line.

By: _____
Elizabeth Goldberg
1290 Avenue of the Americas
New York, New York 10104
(212) 541-2000

Date: July 12, 2011

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) S.S.:
COUNTY OF NEW YORK)

1. I, **ELIZABETH GOLDBERG** being duly sworn depose and say that I am not a party to this action, I am over 18 years of age and I reside in Brooklyn, New York.

2. On July 12, 2011, I served the foregoing NOTICE OF OPPOSITION upon the attorney for the Applicant

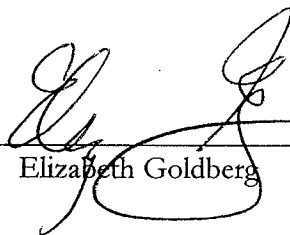
Scott W. Kelley

KELLY LOWRY & KELLEY, LLP

6320 CANOGA AVE STE 1650

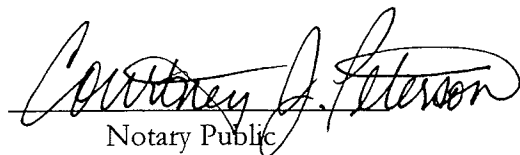
WOODLAND HILLS, CA 91367

by depositing same, enclosed in a first class postpaid properly addressed wrapper, into an official depository under the exclusive care and custody of the United States Postal Service within New York State



Elizabeth Goldberg

Sworn to before me this 12th
day of July, 2011.



Notary Public

COURTNEY J PETERSON
Notary Public, State of New York
No. 02PE6200978
Qualified in New York County
Commission Expires on February 2, 2013